The Office Action acknowledges that Misselbrook does not teach the inclusion of an N-acylamino acid into the composition, but asserts that Becher cures this deficiency. Applicants respectfully disagree.

Becher discloses that using two kinds of surfactant enhances the herbicidal activity of glyphosate herbicide (Abstract). To achieve this, a composition that includes a first surfactant having a chemical structure comprising at least one cationic or protonatable amino group and a C_{8-24} hydrocarbyl group and a second surfactant being an N-acyl derivative of amino acid is used (see Abstract and claim 1). Thus, Becher discloses that the N-acyl derivative of amino acid is used to enhance the herbicidal activity of a glyphosate herbicide.

As discussed in Applicants' specification, an object of the disclosed invention is to provide an agricultural and horticultural water dispersible granule having excellent underwater disintegrability and dispersibility without phytotoxicity, even when using an agricultural chemical compound having a melting or softening point equal to or below 70°C, from which it was thought to be difficult to produce water dispersible granules. *See* page 2, line 4 to page 3, line 4. For this improvement, the salts of N-acylamino acids are used.

Applicants' specification discloses that the salt of N-acylamino acid is used as a dispersant of the water dispersible granule and specific examples include "Amisoft" (see page 6, line 21 to page 7, line 22), which is an anionic surfactant derived from L-glutamic acid and coconut oil fatty acids. Amisoft is used in the field of hair-care and skin care and has broadly been known as a safe surfactant for skin or hair because of its suitable foamability, mild foaming qualities, hypoallergenic qualities, and mild nonirritation.

Becher provides no teaching that would have given one of ordinary skill in the art a reasonable expectation of successfully obtaining a composition that achieves the results exhibited by Applicants' claimed compounds. In addition, Becher discloses glophosate, the melting point of which is greater than 70°C. The second Declaration filed on June 26, 2009

shows that addition of an acrylated amino acid to an agricultural compound with a melting point greater than 70°C, as in Sample 1, does not dramatically improve dispersion relative to the same agricultural compound without the acylated amino acid (Sample 2). It also shows that the addition of an acrylated amino acid to an agricultural compound with a melting point less than 70°C, as in Sample 3, dramatically and unexpectedly improves dispersion relative to the same agricultural compound without the acrylated amino acid (Sample 4).

Nothing in Misselbrook and Becher points to the fact that an agricultural and horticultural water dispersible granule having excellent underwater disintegrability and dispersibility without phytotoxicity can be achieved by the combination of an agricultural chemical compound having a melting or softening point is 70°C or below and a salt of N-acylamino acid that has an acyl group having 8 to 24 carbon atoms. Therefore, the claimed compositions exhibit results that are completely unexpected over the applied references.

Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

B. Misselbrook, Becher, and Suzuki

The Office Action rejects claim 4 under 35 U.S.C. §103(a) over Misselbrook, Becher, and Suzuki.

The deficiencies of Misselbrook and Becher with respect to claim 1 are discussed above. Suzuki fails to cure the above-noted deficiencies. Thus, claim 4, which depends from claim 1, would not have been rendered obvious over the combination of Misselbrook, Becher, and Suzuki for at least the same reasons.

Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

C. Ogawa in view of Becher

The Office Action rejects claims 1–3 and 5–8 under 35 U.S.C. §103(a) over U.S. Patent No. 5,945,114 to Ogawa et al. ("Ogawa") in view of Becher. Applicants respectfully traverse the rejection.

The Office Action acknowledges that Ogawa does not teach the inclusion of an N-acylamino acid into the composition, but asserts that Becher cures this deficiency. Applicants respectfully disagree.

The teachings of Becher are discussed above. Nothing in Ogawa and Becher points to the fact that an agricultural and horticultural water dispersible granule having excellent underwater disintegrability and dispersibility without phytotoxicity can be achieved by the combination of an agricultural chemical compound having a melting or softening point is 70°C or below and a salt of N-acylamino acid that has an acyl group having 8 to 24 carbon atoms. Therefore, the claimed compositions exhibit results that are completely unexpected over the applied references.

Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

II. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the application are earnestly solicited.

Should the Examiner believe that anything further would be desirable to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

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Date: January 11, 2011

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